IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 44 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/11/2004 in WP NO : 16934 OF 2002 on the file of the High Court.)

Between:

1 Amarsingh S/o.Ratan Singh
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
2 Ram Bai W/p.Preethi Singh
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
3 Motilal S/o.Tuljaram
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
4 Sooraram Laxmamma W/o.late Agamaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
5 Sooraram Narasimha Reddy W/o.late Agamaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
6 Sooraram Subhash Reddy W/o.late Agamaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
7 Sooraram Subhash Reddy W/o.late Agamaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
8 Sooraram Mallamma W/o.late Narayana
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
9 Sooraram Gopal Reddy S/o.late Narayana
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.

10 Mutyala Laxmamma W/o.Sattaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
11 Mutyala Narasimha S/o.Late Sattaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
12 Mutyala Jangaiah S/o.Late Anjaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
13 Mutyala Mallaiah S/o.Late Anjaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
14 Mutyala Bagaiah S/o.Late Anjaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
15 Dappu Papamma W/o.late Gandaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
16 Dappu Balaiah S/o.late Danaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
17 Dappu PentaiahBalaiah S/o.late Danaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
18 Dappu Raju S/o.late Danaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
19 Dappu Yellamma S/o.late Danaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
20 Balaram Reddy S/o.late Atchireddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
21 Mohan Reddy S/o.late Atchireddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
22 Sooraram Malla Reddy S/o.late Kista Reddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
23 Devarakonda Ramulu S/o.late Bakkaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
24 Devarakonda Jaggaiah S/o.late Bakkaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
25 Devarakonda Bhoomaiah S/o.late Bakkaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
26 Devarakonda Yadaiah S/o.late Bakkaiah
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.
27 Devarakonda Balaiah S/o.late Bakkaiah
Nanakramguda Village, Serilingampally Mandal,

Ranga Reddy Dist.

28 Sooraram Rajamma W/o.late Kista Reddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.

29 Sooraram Venkat Reddy W/o.late Kista Reddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.

30 Sooraram Dasaradha Reddy W/o.late Kista Reddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.

31 Sooraram Pratap Reddy W/o.late Kista Reddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.

32 Sooraram Sattemma W/o.late Rami Reddy
Nanakramguda Village, Serilingampally Mandal,
Ranga Reddy Dist.

..... APPELLANT(S)

AND

1 District collector Ranga Reddy Dist
2 The Special Deputy Collector Land Acquisition (Industries),
3 A.P.Industrial Infrastructure Corporation Ltd., rep by its Vice Chairman&Managing Director

.....RESPONDENT(S)

Counsel for the Appellants:MR.V.VENKATARAMANA

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

Counsel for the Respondent No.3: Mr. E. Madan Mohan Rao

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Appeal is against the order of learned single judge disposing of appellant's writ petition with direction to issue notice for enquiry under Section 5-A of Land Acquisition Act, 1894 (for short 'the Act') to the appellants-petitioners and to take appropriate further action after such enquiry. Learned single judge declined to quash the notification issued under Section 4(1) of the Land Acquisition Act. Appellants are aggrieved by that part of the order.

The notification was issued under Section 4 of the Act, notifying the intention of the Government to acquire the land for development of new projects by Andhra Pradesh

Industrial Infrastructure Corporation Ltd., (A.P.I.I.C.), Hyderabad. Under Sections 3 and 7 of the said Act, the Governor of Andhra Pradesh authorized the Special Deputy Collector, Land Acquisition(Ind), Hyderabad to exercise the powers conferred under Section 4(2) of the said Act. Further, urgency clause under Section 17 of the Act was invoked and declaration under Section 6 of the Act was also published simultaneously. We are now concerned with the notification under Section 4.

Learned counsel for the appellants submits that the acquisition proceedings were initiated in colourable exercise of power to acquire appellants' lands for the purpose, which is very remote and is yet to take shape. He also submits that acquisition is by the Government for a company and there is no public element involved in it. Without taking any decision on the points raised, learned single judge relying on a decision, proceeded to dispose of the writ petition by not quashing the notification under Section 4.

Learned single judge while disposing of the writ petition, relied upon the judgment of a learned single judge of this Court in Writ PetitionNo.21712 of 2002, dated 25.4.2003. In the said decision, learned single judge held that the acquisition notification itself states that a statement buttressed by the assertions in the counter affidavit, that the acquisition is intended for a public purpose to, wit, the extension of financial District and the establishment of an information technology park and its infrastructural facilities. The acquisition is for the purpose of enabling the activities of the respondent-Corporation, which is an instrumentality of the State operating in the area of industrial infrastructure and the purposes of the 3rd respondent thus demonstrably are public purposes. Such a decision of the learned single judge was followed while declining to set aside the notification under Section 4. We also find from the notification as well as the two counter affidavits filed on Record that the same reasons hold good in disposing of the present appeal also.

The Zonal Manager, Special Zone, A.P. Industrial Infrastructure Corporation Ltd., the 3rd respondent herein, in his counter affidavit stated the nature of the Corporation and its objects. The respondent-Corporation is a company registered under the Companies Act, 1956. It is stated that the Corporation has also been developing Special Projects like Hardware Park, Financial District, Indian Institute of Information technology, Hi-tech City Project etc. For that purpose a Special Zone for R.R. district

at Jubilee Hills was set up by the Corporation, which look after the Special Projects taken up by the Corporation. The main objects of the Corporation amongst others are to acquire lands and to develop the same into industrial areas providing with necessary infrastructural facilities. The developed plots and the ready built sheds constructed thereon are allotted to entrepreneurs for setting up of their industries. The Corporation is carrying on its activities on no profit and no loss basis.

Counter affidavit further stated that a large extent of Government land in Gachibowli, Manikonda, Nanakramguda and other adjoining villages situated in periphery of Hyderabad was handed over to the Corporation for development of Special Projects like Software lay out, Indian School of Business(ISB), Indian Institute of Information Technology (IIIT), Hi-tech City, National Games village and Sports Stadia, Integrated International Convention Centre, Golf Course, Financial District etc. Some of the projects have already taken shape and others are in various stages of development. The Corporation has set up an exclusive Special Zone to look after the works of these Special Projects. The present lands in question fall within the jurisdiction of the Special Zone of the Corporation of which the 3rd respondent is the Zonal Manager and it is stated that time is a critical factor in implementation of these projects.

With respect to necessity for acquiring the land in question, the affidavit in reply stated that the Corporation requested the District Collector, Ranga Reddy District for acquisition of lands under the Land Acquisition Act under urgency Clause in Survey Nos. 4 to 35, 41, 43 to 46, 48 and 49 situated at Nanakramguda village, Serlingampally Mandal, R.R. District for expansion of Financial District. The 1st respondent examined the request of the Corporation and approved the Draft Notification and draft Declaration under the Land Acquisition Act and the same were got published.

The Financial District is a unique project being developed by the Corporation wherein the reputed financial institutions like Banks, Insurance etc., set up their offices to serve the needs of the trade, commerce and industry. The Corporation has already allotted land in the Financial District for Insurance Regulatory and Development Authority of India (IRDA) and also to SBH Staff Training Academy etc. It is stated that in order to ensure compactness of the Financial District, the lands in

question are under acquisition for public purpose and to utilise them for new projects being developed by the Corporation.

The lands in question were identified and notified for acquisition after examining the matter carefully. The lands in question are essential so as to ensure compactness of the Financial District Project being developed by the Corporation. It is stated that there is no prohibition to acquire lands belonging to small farmers under the due process of law, if it is inevitable. The allegation of the appellants that there are vast extents of Government lands in the nearby villages and that there is absolutely no reason to acquire private patta lands is denied. The Government lands situated in the adjoining villages would not facilitate compactness of the Financial District Project being developed by the Corporation. It is stated that the lands in question are under acquisition following the due process of law for utilizing the same for public purpose, i.e. development of Financial District Project and other projects being developed by the Corporation. The development works for the proposed works would be taken up as soon as the lands are acquired under the Land Acquisition Act.

Similar effect was the affidavit filed by the Special Deputy Collector, Land Acquisition, Hyderabad, the 2nd respondent.

In view of what was stated by the respondents in the counter affidavits, it cannot be said that the purpose for which the lands are acquired is not a public purpose or that lands are not required for the said purpose. Therefore, the learned single judge was justified in relying upon the ratio of the decision in another case where similar purpose was held to be a public purpose.

We find no force in the appeal and the same is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 1st February, 2005

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M. NARAYANA REDDY,J

Pnb

To

1 The District collector, Ranga Reddy Dist
2 The Special Deputy Collector Land Acquisition (Industries),
3 The Chairman & Managing Director, .A.P.Industrial Infrastructure Corporation Ltd.

4. Two CCs to G.P. for Land Acquisition, High Court of A.P., Hyderabad (OUT).

5. Two CD copies.